

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Case No.: 1:19-CR-00018-ABJ

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROGER J. STONE, JR.,

Defendant.

**ROGER J. STONE'S RESPONSE TO
GOVERNMENT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE AND
ARGUMENT REGARDING THE GOVERNMENT'S INVESTIGATION AND
PROSECUTION OF THIS AND RELATED CASES (Dkt. #154)**

Roger Stone does not intend at this point, but also does not foreclose the necessity, to put on evidence of the government's "misconduct," including arresting him with unnecessary and excessive force.

However the government's motion is both premature and overbroad. It is not possible to determine the proper scope and relevancy of defense arguments and evidence months before the government puts on its case. For example, if Jerome Corsi testifies, the question of why he, who was offered a plea agreement, refused it, but was never charged, was allowed to escape a false statement prosecution, may become a subject of both evidence and argument.

Other witnesses' testimonies may also present reasons for questioning the government's conduct of the investigation and prosecutorial decisions. The multiple violations of House Rules by Members of the House Committee, and the government's choosing to disregard them in the course of the investigation and prosecution of Stone may become a subject of evidence and argument which would legitimately cast aspersions on the prosecution's decision-making in

deciding to prosecute Stone. For example, should Randy Credico be called to testify, a legitimate line of questions to him could concern the role the behavior of Members of Congress, relative to the House Committee appearances of Michael Caputo and Roger Stone, played in his decision not to appear.

These examples, and numerous other possibilities of the need for evidence and argument, require that the Court defer decisions on relevancy and admissibility until trial, or, at the least, nearer to trial when the Court will have a clearer picture of what may be presented at trial.

CONCLUSION

It is not Stone's intention to put on evidence of the facts of his arrest. But as to whether there were mistakes or wrong doings by government agencies, members of Congress, investigatory methods, etc., cross examinations may present relevant opportunities to properly raise issues which might be within the proscriptions the government seeks to impose now. The Court should deny the government's Motion in Limine, Dkt. 154, and address its requests if and when a need occurs at trial.

Respectfully submitted,

By: /s/_____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 9, 2019, I electronically filed the foregoing with the Clerk of Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record or pro se parties, via transmission of Notices of Electronic Filing generated by CM/ECF.

_____/s/ Robert Buschel _____
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